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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,440	09/08/2003	John V. Smith	7719-116	4712
36412	7590	11/22/2004	EXAMINER	
DUCKOR SPRADLING METZGER 401 WEST A STREET, SUITE 2400 SAN DIEGO, CA 92101-7915			CHANG, YEAN HSI	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,440

Applicant(s)

SMITH ET AL.

Examiner

Yean-Hsi Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/8/03 & 6/17/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Sep. 20, 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Ho et al. (US 6,418,026 B1).

Ho teaches electronic component rack assembly comprising: a rack housing (610) having a width W_r (not shown), where W_r is equal to about 24 inches (EIA-310-D standard rack width), a group of N number of electronic components (802) mounted side by side, upright in a series of spaced-apart vertical planes on the rack housing, another group of N number of electronic components (804) mounted side-by-side upright in a series of spaced-apart vertical planes on the rack housing opposite to the first-mentioned group of components in a back-to-back registration without being offset (shown in fig. 2; and see col. 2, lines 9-14), wherein each one of the first-mentioned and said second electronic components has a depth D_b (horizontal dimension of 200), and the depth of the housing is D_r (over all dimension shown in fig. 6(c) when components plugged into slots 602d and 606d, respectively), where D_r is equal to approximately $2D_b$ (inherent relationship).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al. in view of Casanova et al. (US 5,031,075).

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Ho teaches an electronic component rack assembly comprising, in addition to features stated in paragraph 3, hereinabove: a series of pairs of upper and lower component guides (612 and 614) being disposed in vertical alignment with each of the electronic components on the rack housing, and each guide being channel shaped (shown as 110 in fig. 2) (claim 4); a power distribution unit (704 and 706) extending transversely to said vertical planes between the first-mentioned and second electronic components to provide electrical power thereto (see col. 5, line 67 through col. 6, line 9) for supplying electrical power to individual ones of the electronic components (claim 5); wherein latch openings (not shown) on the rack matched with latches (204) for helping to secure the components releasably to said rack (claim 6); depth of electronic component being D_b (claim 7); the upper one of the openings may be located at a height H_p relative to said unit outlet (claims 8 and 15); wherein the distance between the geometric center of lower one of the openings and an inner surface of one of the flanges may be labeled as S_h (claims 9 and 16); the distance between the geometric center of the lower one of the openings and the outer surface may be labeled as H_h (claim 10); wherein where W_r is approximately equal to the width of the rack housing, and where W_b is approximately equal to the width of an electronic component, W_r divided by W_b is approximately equal to an integer value (since $W_r > W_b$, it is inherently that W_r divided by W_b is approximately equal to an integer value) (claim 17); and a method of making an electronic component rack assembly being disposed in the specification (claim 12).

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Ho fails to teach $Wb \approx 1.93"$, $Hb \approx 19.38"$, $Db \approx 16.8"$, $Hp \approx 1.344"$, $Sh \approx 0.95"$, $Hh \approx 0.46"$, $2Db$ is about 36", and the latch openings having a diameter of about 0.316 inches; and there are not significant reasons or benefits in the specification for selecting such values. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select an appropriate value for the above mentioned dimensions for the device of Ho, since such a modification would have involved a mere change in the size of a component or part. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Ho also fails to teach each pair of guides having a bight portion and a pair of spaced apart flange portions. Casanova teaches a rack housing (20) including a series of pairs of upper and lower component guides (29 and 30, fig. 3), each pair of guides being disposed in vertical alignment with each of the electronic components (shown in fig. 2), and each guide being channel shaped (shown in fig. 2) and having a bight portion (not labeled), and a pair of spaced apart flange portions (not labeled). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ho with the guides taught by Casanova for keeping the components properly latched in place.

Response to Arguments

6. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mastoris et al. (US 2004/0008034 A1), Bottom et al. (US 2002/0124114 A1), and Vadasz et al. (US 6,814,582 B2).

Correspondence

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
November 15, 2004

A handwritten signature in black ink, appearing to read 'Yean-Hsi Chang', with a stylized, flowing script.